



June 21, 2004

Ms. Marlene H. Dortch
Secretary
Federal Communications Commission
445 12th Street, S.W.
Washington, D.C. 20445

Re: **MB Docket No. 04-160**

Dear Ms. Dortsch:

On April 14, 2004 The NAB filed a petition on April 14, 2004 seeking a Declaratory Ruling on satellite radio's broadcasting of local weather and traffic, and future plans to expand their reach into local radio. In response to MB Docket No. 04-160, it is important for the FCC take into consideration the following:

- In granting licenses for satellite radio, the FCC relied on the express promises by XM Radio Inc. ("XM") and Sirius Satellite Radio Inc. ("Sirius") that their service would be national-only. They would provide multiple foreign language programming, senior citizens and children's programming, etc.
- Because satellite radio would be national, local broadcasters would not be harmed.
- Now XM and Sirius have blatantly broken their promises, launching "localized" traffic and weather service in the top twenty-one markets. *This is only the beginning.*
- It is clear from the comments XM and Sirius filed in opposition to the NAB Petition, they view the sky as the limit — with technology to continue to "localize" their services they can make their formats virtually indistinguishable from local radio.
- Without FCC intervention, two companies, with 120 channels each, will reach into every market and try to mimic what local broadcasters do.
- Satellite Radio doesn't have public interest limits or ownership limits. They have no *local* investment in their communities.
- The \$9.6 billion broadcasters gave to their local communities in 2003 speaks volumes to our commitment to public service.
- FCC, in authorizing satellite radio, vowed to protect "vibrant" local broadcasting, and promised to take "any necessary action to safeguard the important service that terrestrial radio provides." *That time is now.*
- Before XM and Sirius invest millions of dollars in technology, and further raise consumer's expectations about their ability to receive specific content, the FCC must clarify it authorized a national-only satellite radio service.

As a local broadcaster, I support the NAB Petition, and strongly urge the FCC to do so also. The time to act is NOW!

Please don't hesitate to contact me should you wish to discuss this further.

Sincerely,

NewRadio Group LLC,

A handwritten signature in cursive script that reads "Mary Quass".

Mary Quass, President/CEO

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